



August 13, 2012

VIA HAND DELIVERY

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

**REDACTED FOR
PUBLIC INSPECTION**

**Re: Request for Confidential Treatment of Filing of
Vonage Holdings Corp.; CC Docket No. 99-200**

Dear Ms. Dortch:

In support of its petition for limited waiver, Vonage Holdings Corporation (“Vonage”) hereby encloses an *ex parte* presentation providing detailed information regarding Vonage’s current costs for telephone numbers.

Vonage respectfully requests that, pursuant to Sections 0.457 and 0.459 of the Commission’s rules, 47 C.F.R. §§ 0.457 and 0.459, the Commission withhold from public inspection and accord confidential treatment to the *ex parte* presentation because it contains sensitive trade secrets, commercial, and financial information that falls within Exemption 4 of the Freedom of Information Act (“FOIA”).¹ Vonage is voluntarily providing this information, “of a kind that would not customarily be released to the public”; therefore, this information is “confidential” under FOIA.² Moreover, Vonage would suffer substantial competitive harm if this information were disclosed.³

Vonage’s *ex parte* presentation accordingly is marked with the header “SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT – NOT FOR PUBLIC INSPECTION.” Confidential documents provided in connection with the *ex parte* presentation bear the same header, and are subject to Vonage’s request for confidential treatment.

In support of this request and pursuant to Section 0.459(b) of the Commission’s rules,⁴ Vonage hereby states as follows:

¹ 5 U.S.C. § 552(b)(4).

² See *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

³ See *National Parks and Conservation Ass’n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

⁴ 47 C.F.R. § 0.459(b).

1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT⁵

Vonage seeks confidential treatment of certain portions of the enclosed *ex parte* presentation.

2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION⁶

Vonage is submitting new detail regarding its costs for telephone numbers.

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED⁷

The information for which Vonage seeks confidential treatment contains sensitive trade secrets, commercial, financial, and technical information “which would customarily be guarded from competitors.”⁸ The *ex parte* presentation contains proprietary commercial information concerning Vonage’s network, routing, technical solutions, customers, and services.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION⁹

The *ex parte* presentation contains information relating to commercial and technical matters that could be used by competitors to Vonage’s disadvantage. Vonage has numerous competitors in the Voice over Internet Protocol (“VoIP”) services sector in which it operates. Detailed technical and operations information of the type provided by Vonage could compromise Vonage’s position in this highly competitive industry. Release would therefore result in substantial competitive harm to Vonage.

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM¹⁰

Competitors could use Vonage’s proprietary commercial and operational information to Vonage’s detriment as they would gain access to sensitive information about how Vonage provides services that is not normally disclosed to the public.

⁵ 47 C.F.R. § 0.459(b)(1).

⁶ 47 C.F.R. § 0.459(b)(2).

⁷ 47 C.F.R. § 0.459(b)(3).

⁸ 47 C.F.R. § 0.457(d)(2).

⁹ 47 C.F.R. § 0.459(b)(4).

¹⁰ 47 C.F.R. § 0.459(b)(5).

6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE¹¹

Vonage has not distributed the information included in its *ex parte* presentation to the public.

7. IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES¹²

Vonage has not previously disclosed the information included its *ex parte* presentation.

8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE¹³

Vonage requests that the specified portions of this *ex parte* presentation be treated as confidential for a period of ten years. This period is necessary due to the proprietary nature of the information in the enclosed *ex parte*.

9. OTHER INFORMATION THAT VONAGE BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED¹⁴

The information concerns Vonage's proprietary technical and network information, detailing current and planned commercial and operational information, and as such, is commercially sensitive.

Should you have any questions regarding the foregoing information, please contact the undersigned at (202) 730-1346.

Respectfully submitted,


Brita D. Strandberg
Counsel to Vonage Holdings Corp.

cc: Zac Katz
Michael Steffen
Julie Veach
Lisa Gelb

¹¹ 47 C.F.R. § 0.459(b)(6).

¹² 47 C.F.R. § 0.459(b)(7).

¹³ 47 C.F.R. § 0.459(b)(8).

¹⁴ 47 C.F.R. § 0.459(b)(9).

August 13, 2012

VIA HAND DELIVERY AND EMAIL

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

REDACTED FOR
PUBLIC INSPECTION

Re: *Vonage's Petition for Limited Waiver*, CC Docket No. 99-200

Dear Ms. Dortch:

Vonage Holdings Corporation ("Vonage") has repeatedly demonstrated that granting its request for direct access to numbering resources will remove a barrier to IP interconnection between Vonage and other providers.¹ The Commission should dismiss CLEC claims to the contrary. The Commission should likewise dismiss CLEC claims that Vonage can achieve its IP interconnection goals using numbering partners. Contrary to their self-interested claims in this proceeding, and consistent with their efforts to block direct access to numbers, numbering partners have not been willing to support Vonage's efforts to achieve IP interconnection.

IP interconnection is not the only benefit of direct access to numbers. Vonage will enjoy cost savings, as well, if it is no longer required to pay gatekeeper carriers for numbering resources. Vonage currently pays approximately [Begin Confidential] [REDACTED] [End Confidential] for telephone numbers. The highly competitive nature of the market for voice services ensures that any savings will be passed on to consumers in the form of lower prices or improved service.

CLECs opposed to Vonage's requested waiver appear to be concerned about losing access charges they collect on traffic that originates from or terminates to Vonage-assigned numbers. If Vonage obtains direct access to numbers, it will seek bill-and-keep arrangements for the IP exchange of traffic, thereby facilitating the transition to bill-and-keep that the Commission has found is in the public interest.² The Commission should not let the CLEC opponents'

¹ Vonage Holdings Corp. Ex Parte Letter to Marlene Dortch, Secretary, FCC, CC Docket No. 99-200 at 1-2 (filed July 31, 2012) ("Vonage July 31, 2012 Ex Parte"); Comments of Vonage Holdings Corp., CC Docket No. 99-200 at 6-8 (Jan. 25, 2012); Vonage Holdings Corp. Ex Parte Letter to Marlene Dortch, Secretary, FCC, CC Docket No. 99-200 at 1-2 (filed March 21, 2012).

² *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd. 17,663, 17,905-14 ¶¶ 740-759 (2011).

CONFIDENTIAL – NOT FOR PUBLIC INSPECTION

interest in retaining access charges they collect on traffic to and from numbering partners trump the many public interest benefits of direct access to numbers.³

If you have questions or require any additional information, please do not hesitate to contact me at (202) 730-1346.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'BD Strandberg', with a long horizontal line extending to the right.

Brita D. Strandberg
Counsel to Vonage Holdings Corp.

cc: Zac Katz
Michael Steffen
Julie Veach
Lisa Gelb

³ See Vonage July 31, 2012 Ex Parte at 1-2, 5; Vonage Holdings Corp. Ex Parte Letter to Marlene Dortch, Secretary, FCC, CC Docket No. 99-200 at 1-4 (filed June 27, 2012).